

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**STATE OF TEXAS, ET AL.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 2:24-cv-00089-Z**

**BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, ET AL.**

**DEFENDANTS**

**Declaration of Gregory I. Duke**

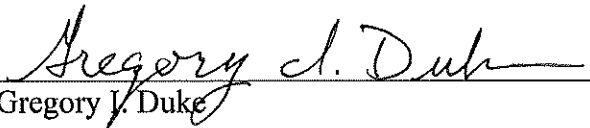
I, Gregory I. Duke, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am Gregory I. Duke. I am over the age of 18 and a U.S. citizen. I have personal knowledge of the facts contained in this Declaration unless otherwise stated. I can competently testify as to the contents of this Declaration if called upon to do so.
2. I serve as the Office Director of Business Taxes for the Mississippi Department of Revenue. In my capacity, I am responsible for the administration of Mississippi's sales, use and petroleum tax system as well as field audit for sales tax, use tax, petroleum taxes, income tax and other applicable Mississippi tax levies. I am familiar with Mississippi's sales and use tax codes and how they apply to gun shows and online sales of firearms in the State of Mississippi.
3. Mississippi levies sales tax at the rate of 7% upon the gross proceeds of sales of tangible personal property under Miss. Code Ann. Section 27-65-17. Miss. Code Ann. Section 27-67-5 levies use tax for the privilege of using, storing or consuming tangible personal property in Mississippi possession of which is acquired in any manner. The use tax is at the same rate as the sales tax.
4. Retail sales of firearms in Mississippi are either subject to the imposition of sales or use tax because firearms fall within the meaning of "tangible personal property" as defined under Miss. Code Ann. Section 27-67-3. Taxable sales of firearms include sales made by Mississippi retailers, out-of-state retailers or persons selling firearms at gun shows or other promoted events where vendors collect sales tax and remit the tax to the event promoter who then remits the collected tax to the Mississippi Department of Revenue.
5. Internet sellers and marketplace facilitators who have either a physical presence in Mississippi or who have sales into Mississippi exceeding \$250,000.00 in any consecutive twelve-month period are required to register to collect Mississippi use tax on behalf of their Mississippi customers.

6. The Final Rule in this case includes information concerning unlicensed firearm sellers and an estimate of (10 percent) of those unlicensed sellers who are likely to be either unwilling or unable to become licensed as an FFL as a result of the rule. *Definition of "Engaged in the Business" as a Dealer in Firearms*, 89 Fed. Reg. 28,968, 29,054 (Apr. 19, 2024).
7. There are nineteen guns shows scheduled to be held in Mississippi from June 1, 2024, through the end of this year, according to gunshowtrader.com. Any action causing an overall decrease in firearm sales to Mississippi customers through regular retail sales, sales made at gun shows, or sales made over the internet would result in reduced sales and or use tax revenue collected by the State of Mississippi.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2024.

  
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Gregory J. Duke